

# **EXHIBIT C**

#1142704

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

ANTHONY and EMILY	:	CIVIL ACTION
DELLAQUILA,	:	ASBESTOS CASE
Plaintiffs	:	
	:	
vs.	:	
	:	
ATLAS TURNER, INC.,	:	
ET AL.,	:	
Defendant	:	NO. 89-8879

- - -

Oral deposition of ANTHONY  
DELLAQUILA, taken pursuant to notice, at  
the home of ANTHONY DELLAQUILA, 108 Blackthorne  
Street, Aston, Pennsylvania, on Wednesday,  
February 14, 1990, beginning at approximately  
12:19 p.m., before Susan L. Remsing, Court  
Reporter-Notary Public, and Richard Kling,  
Videotape Operator, there being present.

- - -

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## E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE MARKED
	(No exhibits marked.)	

1 THE COURT REPORTER: Usual  
2 asbestos stipulations?

3 MR. SANTORO: Yes.

4 MR. HALPERN: Yes.

5 - - -

6 (It is hereby stipulated and  
7 agreed by and between counsel for the  
8 respective parties that reading, signing,  
9 sealing, certification, and filing are  
10 waived and that all objections, except as  
11 to the form of questions, be reserved until  
12 the time of trial, and that an objection by  
13 one defense counsel shall inure to the  
14 benefit of all other defense counsel  
15 present.)

16 - - -

17 ANTHONY DELLAQUILA, after  
18 having been first duly sworn, was examined  
19 and testified as follows:

20 - - -

21 EXAMINATION

22 - - -

23 BY MR. SANTORO:

24 Q. Sir, my name is Chris Santoro. I represent  
25 one of the defendants in your lawsuit. I'm going

1 to ask you some questions today. If you don't  
2 understand me, let me know and I'll rephrase the  
3 question, okay?

4 A. Okay.

5 Q. If you don't hear me, let me know and I'll  
6 repeat the question. Please give an oral response  
7 to all of my questions so the court reporter can  
8 take everything down. She's sitting behind you,  
9 okay?

10 A. Okay.

11 Q. Sir, are you on any medication today as we  
12 sit here?

13 A. Am I on medication?

14 Q. Yes.

15 A. No, sir.

16 Q. Did you take any medication at all in the  
17 last twenty-four hours?

18 A. No, sir.

19 Q. Who do you live here with?

20 A. My wife, Emily.

21 Q. Is anybody else dependent upon you for  
22 support besides your wife?

23 A. No, sir.

24 Q. Now, correct me if I'm wrong, at the Miller  
25 and Flounder's Dairy bottling plant in 1942 to

1 1943 you never personally worked with any asbestos  
2 products?

3 A. No, sir.

4 Q. Were you ever around anybody that worked  
5 with any asbestos products?

6 A. Not that I know of.

7 Q. Did your job there -- what did you do for  
8 that one year, were you a milkman?

9 A. At that particular year I worked inside the  
10 box loading trucks out.

11 Q. Was this on the loading dock?

12 A. Yeah.

13 Q. Would that be outside?

14 A. Yeah, it would be.

15 Q. Do you remember any of the guys or women  
16 that you worked with for that year?

17 A. (No response.)

18 Q. If you can. If you can't, that's fine,  
19 also.

20 A. I may be able to remember some of them,  
21 yeah. Well, I know my own boss, he's still  
22 living, Roy Evans.

23 Q. Roy Evans?

24 A. Yeah. He's still living.

25 Q. Where does he live?



1 A. Right here in Aston Township.

2 Q. For that one year period, did you ever have  
3 to work inside?

4 A. Inside the box, yes.

5 Q. What box is this that you're telling us  
6 about?

7 A. This I'm talking about the cooler. This is  
8 where the milk is kept.

9 Do you understand what I'm saying,  
10 where the milk is kept?

11 Q. Yes.

12 To your knowledge, is there any  
13 asbestos products in that box?

14 A. Not as far as I know.

15 Q. Now, for the year at Sun Ship you were an  
16 electrician's helper?

17 A. Yes, sir.

18 Q. Did you work for one specific electrician  
19 for that one year period?

20 A. Yes, sir.

21 Q. What was his name?

22 A. George Driver.

23 Q. Driver?

24 A. Driver.

25 Q. D-R-I-V-E-R?

1 A. Uh-huh.

2 Q. Do you know if Mr. Driver's still around?

3 A. No. He's dead.

4 Q. Do you remember your supervisor for that  
5 one year period?

6 A. No. No, I don't.

7 Q. Any other co-workers that you can recall  
8 for that one year period?

9 A. Yes. I can remember them but I don't know  
10 whether they exist or not.

11 Q. If you can give us their names, that would  
12 be good.

13 A. Yeah. Well, there was a boy by the name of  
14 Cooper.

15 Q. Is that his first or last name?

16 A. That's his last name. I don't know his  
17 first name. I'm sorry.

18 Q. What did he do? Was he an electrician as  
19 well?

20 A. Yeah. He was an electrician, yeah.

21 Q. Anybody else?

22 A. Yeah. A man by the name of Marshall.

23 Q. Do you remember his first name?

24 A. No. I don't know whether they're deceased  
25 or not, you know.

- 1 Q. Was he also an electrician?
- 2 A. Yeah. He was an electrician.
- 3 Q. Anybody else?
- 4 A. A man by the name of Corey.
- 5 Q. Do you remember a first name?
- 6 A. No. These are all last names.
- 7 Q. Cory, C-O-R-Y?
- 8 A. C-O-R-E-Y.
- 9 Q. Anybody else?
- 10 A. And there was Jessie Ewing.
- 11 Q. Ewing?
- 12 A. Yeah. I know he's deceased, he is.
- 13 Q. Anybody else?
- 14 A. And a man by the name Buckley.
- 15 Q. Were Mr. Ewing and Mr. Buckley, were they
- 16 electricians, also?
- 17 A. Yeah. Uh-huh.
- 18 Q. Anybody else?
- 19 A. That's it.
- 20 Q. Do you recall the names of any of the
- 21 pipecoverers that worked at Sun Ship while you
- 22 were there?
- 23 A. That I don't know.
- 24 Q. How about the name of any of the pipe
- 25 fitters?

1 A. No.

2 Q. How about the name of any of the  
3 carpenters?

4 A. No.

5 Q. Now, you worked as an electrician helper --  
6 you started as an electrician's helper.

7 Did you remain an electrician's  
8 helper for that entire year?

9 A. Yes, sir.

10 Q. You described generally what your duties  
11 were working in these hallways.

12 Would you say that's what you did  
13 most of your time?

14 A. Yeah. That was our main job was -- in  
15 other words, we were a gang, you know, and each  
16 gang had its own little thing to do. And me and  
17 my electrician, our job was to go back in the  
18 coolers and our job was to put the hall lights in  
19 and the alarm system. And then this other little  
20 room, whatever it's called, I don't know, but we  
21 had to put the lights in there. Now, when we were  
22 done with this, then we would help other  
23 electricians that needed help.

24 Q. We'll get to that.

25 Can you give me a percentage of time

1 that you spent in the hallways as opposed to other  
2 parts of the ship?

3 A. (No response.)

4 Q. If you can.

5 A. Well --

6 MR. HALPERN: Are you guessing,  
7 if you said that?

8 THE WITNESS: Yes. I'd be  
9 guessing.

10 In other words, we spent most of our  
11 time doing this.

12 BY MR. SANTORO:

13 Q. In the hallways?

14 A. Yeah.

15 Than we did with helping other people  
16 with their jobs.

17 Q. Let's try to narrow it down.

18 Would you say it was more than  
19 seventy-five percent of your time?

20 A. I would say at least seventy-five percent  
21 of the time.

22 Q. At least seventy-five percent.

23 Would you say it was ninety percent?

24 A. No. I'd -- I probably would go maybe  
25 eighty percent of the time with that.

1 Q. Eighty percent of the time in the hallways?

2 A. Yeah.

3 Q. Now, the other twenty percent, was that  
4 spent in one other place or a variety of places?

5 A. A variety of places where we'd meet, yes.

6 Q. When you worked on these hallways, was it  
7 just the electricians working in the hallways?

8 A. Oh, no. Whoever had to do whatever were  
9 there, you know, whatever job had to be done.

10 Q. Was it common for the electricians to go in  
11 first on the ships and run the lights?

12 A. No. Anybody did whatever they had to do.

13 Q. Can you tell us some of the other trades  
14 that worked in the hallways while you were working  
15 there?

16 A. Yeah. The carpenters were there. Your  
17 pipe fitters were there. I can't recollect these  
18 pipecoverers. I mean, this room that I'm talking  
19 about, I'm recollecting them here. (Indicating.)

20 Q. So the best of your knowledge, you don't  
21 recall any pipecoverers working in these hallways  
22 while you were there?

23 A. Not in the hallways, no.

24 Q. Now, while you were working in the hallways  
25 and there was a carpenter working in there or a

1 gang of carpenters, do you ever recall the  
2 carpenters using any asbestos products?

3 A. No.

4 Q. While you were working in the halls and  
5 there was a pipe fitter working in there, do you  
6 ever recall a pipe fitter using any asbestos  
7 products?

8 A. Not a pipe fitter, no.

9 Q. Do you ever recall any trade working in the  
10 hallway while you were working in there using any  
11 asbestos products?

12 A. No.

13 Q. Now, correct me if I'm wrong, you always  
14 worked on new construction, never any rip outs?

15 A. No. It was all new.

16 Q. Now, you told us about this one room where  
17 the pipecoverers worked.

18 A. Right.

19 Q. Was that on one particular ship or was that  
20 on a variety of ships?

21 A. No. All the ships had this same particular  
22 room.

23 Q. Do you remember the name of that room?

24 A. No. That I don't know. I don't know what  
25 the name is. But this is where most of the

1 asbestos was coming, from that and also from the  
2 engine room, which I was, you know, exposed too.

3 Q. How often would you work near this room?

4 A. Everyday. Everyday because it -- it  
5 straddled the hallway. (Indicating.)

6 Q. You worked the perimeter around this room?

7 A. Right. In other words, this room was here  
8 like this and we went around it. (Indicating.)

9 Q. How many entrances or exits did the room  
10 have?

11 A. Two, one at each end.

12 Q. Were they the only openings in that room,  
13 the entrance and exit?

14 A. Yeah.

15 Q. How often would you work near the engine  
16 rooms?

17 A. Well, this is one of the times that we  
18 would -- we would be pulled from our job to help  
19 another electrician out. Right over top of the  
20 engine room was the main switch box. Now, we  
21 would go in and help them. Now, sometime, not all  
22 the time, sometime, they would burn holes into the  
23 bulkhead so they could put wire or whatever. So  
24 somebody had to get down below to warn anybody to  
25 get out of the way. So these burners burning



1 these holes in so somebody wouldn't get hit with  
2 this hot metal.

3 So there was times I went down below  
4 where the engine room was.

5 Q. Now, on the occasions that you went in to  
6 the engine rooms, was any other trade ever using  
7 any asbestos products in the engine rooms?

8 A. Yes. They were down there working on the  
9 boiler itself. Yep.

10 Q. Did can you identify the trade that may  
11 have been working with the asbestos products while  
12 you were there in the engine room?

13 A. Well, it had to be the pipecoverers.

14 Q. In that one year period, can you give us  
15 the amount of times you may have went into an  
16 engine room, if you can?

17 A. Well, in this particular area, okay, not  
18 all the way down, this particular area, I'd say,  
19 oh, maybe seven or eight times.

20 Q. Seven or eight times for the entire year?

21 A. Year, right.

22 Q. Each time that you went into the engine  
23 room, was a trade using an asbestos product?

24 A. Yeah.

25 Q. Let me finish my question.

1 A. I'm sorry.

2 Q. Each time that you went into an engine  
3 room, did you see somebody else using an asbestos  
4 product, or sometimes would you go in and no  
5 asbestos products would be in there?

6 A. I would say there was times I went in there  
7 and there wasn't any asbestos products.

8 Q. Now, what other types of areas on the ship  
9 would you work besides these hallways and this  
10 room where the pipecoverer was -- strike that.

11 The engine room?

12 A. In the kitchen.

13 Q. The kitchen?

14 A. That was fully electrical.

15 Q. Now, were there other trades using asbestos  
16 products while you were in the kitchen?

17 A. No.

18 Q. Any other rooms besides the engine room,  
19 the kitchen and the hallways?

20 I'm going to talk about that other  
21 room with the pipecoverers separately.

22 A. Okay.

23 No.

24 Q. Now, this room where the pipecoverers were  
25 working, you said on occasion you would have to go

1 in that room.

2 For the entire year, can you give us  
3 a number of times that you had to go into that  
4 room where the pipecoverers were working?

5 A. When they were working, okay?

6 Q. Right.

7 A. Very seldom when they were working. So  
8 I'll put the number very low because the only room  
9 I went in earlier was probably because there was  
10 lights that we had to hang in there. It was  
11 probably either to get something or bring  
12 something and get it out. So I'll say, like, a  
13 half a dozen times at the most.

14 Q. Can you give us an average amount of time  
15 that you would spend each time you would go into  
16 the room?

17 A. Very small amount.

18 Q. In and out?

19 A. Yeah. In and out. Very small amount.

20 Q. So if I'm correct, when you worked on the  
21 ships, you would spend about eighty percent of  
22 your time in the perimeter of this room?

23 A. Right.

24 Q. Sometimes you would go in the engine room?

25 A. Right.

1 Q. And, sometimes you would go into the  
2 kitchen?

3 A. Right.

4 Q. And, sometimes you went in this room where  
5 the pipecoverers were?

6 A. Right.

7 Q. That covers it?

8 A. Well, I went in that room where the pipe --  
9 when I wasn't working in there I had to go in  
10 there. When they were working in there I didn't  
11 go in there if I could stay away from it, okay?

12 Q. Okay.

13 So there were other times you went in  
14 this room when the pipecoverers weren't there?

15 A. Weren't there, right.

16 Q. How many times was that?

17 A. Well, see, that -- that particular room was  
18 a main -- main wire coming through so the whole  
19 gang had to pull that. So we all had to be in  
20 there at one time or another to pull this wire,  
21 which took, like, eight hours to pull this thing.  
22 And the other rest of the time that I spent in  
23 there was hooking up the lights or the alarm  
24 system.

25 Q. And, the times that you were in there and

1 there were no pipecoverers in there, was there any  
2 other trade in there using asbestos products?

3 A. No, sir.

4 Q. Does that about cover it?

5 A. I would say.

6 Q. Now, while you were in the Army, did you  
7 ever come in contact with any asbestos products?

8 A. No, sir.

9 Q. And, you went back -- after you got out of  
10 the service you went back to Miller and Flounder's  
11 Dairy as a milkman?

12 A. As a milkman.

13 Q. Did you spent your entire time delivering  
14 milk?

15 A. Delivering milk, yes.

16 Q. And, would that be the same for Abbott's  
17 Dairy and Horizon Dairy?

18 A. Well, Horizon Dairy is when I started to  
19 load the trucks back up again.

20 Q. And, you worked at Horizon from '84 to '89?

21 A. Yes.

22 Q. Now, when you retired in September, did you  
23 take a regular retirement?

24 A. Yes.

25 Q. It wasn't due to your health or anything

1 like that?

2 A. No. Unfortunate, it would have been.

3 Q. Had you planned on retiring at this time?

4 A. Yes.

5 Q. All the time?

6 A. Yes.

7 Q. How old were you when you retired?

8 A. Sixty-three.

9 Q. You identified three manufacturers,  
10 Johns-Manville, Carey and Ehret.

11 Did you see one of those names more  
12 than another?

13 A. Not really. The reason I say this is  
14 because most of the time I would see it laying --  
15 laying in the trash, you know, or something like  
16 this. Well, what they used to do, they used to  
17 bring them up on pallets and drop them on the deck  
18 and then the workers would come and get them.

19 Q. So where you saw these three names was on  
20 the boxes?

21 A. On the boxes, yes.

22 Q. And, sometimes you saw the empty boxes in  
23 the trash?

24 A. Yes.

25 Q. And, sometimes you saw the boxes on the

1 deck?

2 A. Yeah.

3 Q. Did you ever see anybody using any of these  
4 products or see any of these boxes while somebody  
5 was using them?

6 A. Yeah.

7 Q. You did?

8 A. Yes.

9 Q. Did you see one more than another?

10 A. No. I wouldn't say so.

11 Q. When you saw these products, where would  
12 you see them, would it be in that room?

13 A. In that area, yeah.

14 Q. Besides the two other times you told us  
15 about?

16 A. Right. Right.

17 Q. And, each time you saw one of these three  
18 products, it was a pipecoverer using it?

19 A. Yes, sir. Uh-huh.

20 Q. And, there are no other products that you  
21 recall at this time, manufacturers?

22 A. No. I can't remember any offhand.

23 Q. I provided your attorney with some books  
24 that were provided to me by my client's Legal  
25 Department.

1                   Have you had an opportunity to flip  
2 through those books?

3       A.       Yeah. I went through them.

4       Q.       Did you go through them thoroughly?

5       A.       Well, I glanced through it, you know.

6       Q.       Each and every page?

7       A.       Yes.

8       Q.       And, that didn't refresh your recollection  
9 as to any other products?

10      A.       No. That's the reason you asked me to go  
11 through it, you know, to see if I could recognize  
12 another product, you know?

13                   There is one, but I hate to say it  
14 because I'm not sure. There's Eagle stands in my  
15 mind, but I'm not sure. I don't want to say it.

16      Q.       What type of product was that?

17      A.       Well, I don't think it was an asbestos. It  
18 was, like, a gasket, a pipe gasket, but I don't  
19 remember seeing that. It seems to me it was a  
20 truck that I seen it on, you know?

21      Q.       Where did you see that, was that at Sun  
22 Ship?

23      A.       Sun Ship, yeah.

24      Q.       What did you see, a picture of --

25      A.       Of an Eagle. It was an Eagle on the side



1 of a stake body truck. It was black and white and  
2 Eagle was trimmed out in gold, you know?

3 Q. Did you see that picture similar to what  
4 you're describing in the books that I provided  
5 your attorney?

6 A. No.

7 Q. So, correct me if I'm wrong, you flipped  
8 through the books that I provided to your attorney  
9 and that did not refresh your recollection --

10 A. No.

11 Q. -- regarding any other products that you  
12 may have seen or worked with or others worked with  
13 while at Sun Ship?

14 A. Right.

15 Q. How long have you lived at this address?

16 A. Since '65.

17 Q. Where did you live before that?

18 A. Lincoln Street.

19 Q. Where is that, Chester?

20 A. In Chester, yeah.

21 Q. Where did you live before that?

22 A. 15th Street in Chester.

23 Q. What did your father do for a living?

24 A. What did my father do?

25 Q. Yes.

1 A. He was a -- he was a -- in other words, a  
2 leather for your shoes, he used to put the finish  
3 to it in Chester. It was called Chester Enamel  
4 Company, I think it was called.

5 Q. Do you know if he ever worked with or  
6 around any asbestos products?

7 A. Not that I know of.

8 Q. Did any of your relatives, to your  
9 knowledge, work around any asbestos products or  
10 with any asbestos products?

11 A. No.

12 Q. What did your father -- what was the cause  
13 of his death?

14 A. Emphysema.

15 Q. Did he smoke?

16 A. Yes.

17 Q. Do you have any idea how much he smoked  
18 while you lived with him?

19 A. I'd be guessing. At least a pack a day,  
20 and in them days, they were the unfiltered jobs.

21 Q. Right.

22 How about your mother, did she work?

23 A. My mother passed away when I was nine years  
24 old, and no, she never work.

25 Q. Now, you told us that prior to you becoming

1 ill you used to do your own work around the house.

2 A. Yes, sir.

3 Q. At any time, did you ever use any asbestos  
4 products in doing any home repairs to your  
5 knowledge?

6 A. Not that I can remember because my house is  
7 all brick. I have no asbestos there.

8 Q. Did you ever have any other lung  
9 conditions, like pneumonia?

10 A. (Indicating.)

11 Q. How about pleurisy?

12 A. No.

13 Q. Bronchitis?

14 A. No.

15 Q. Did you ever have any injuries to your  
16 chest whatsoever?

17 A. No.

18 Q. When did you begin smoking cigarettes?

19 A. When I was about sixteen maybe.

20 Q. And, I take it they were unfiltered then,  
21 right?

22 A. Yeah. No. They were -- maybe you're  
23 right. Maybe you're right. I don't know. I  
24 can't remember to tell you the truth.

25 Q. And, how long did you smoke?

1 A. Until recently, in '89 I give it up. In  
2 fact, May of '89.

3 Q. On the average, how much did you smoke  
4 during that period of time?

5 A. Well, I guess when I first started I guess  
6 I probably -- well, I did say, between a half a  
7 pack and a pack until -- until internal --  
8 internal. Until the Surgeon General, when they  
9 said that was no good for your health, then I  
10 started cutting them back until I cut it out  
11 completely.

12 Q. Did you ever smoke more than a pack a day?

13 A. No. Uh-uh.

14 Q. Did you smoke unfiltered for the entire  
15 period of time --

16 A. Oh, no.

17 Q. -- or did there come a time when you  
18 changed?

19 A. No. No. It was -- when I did smoke  
20 unfilters, when the filters did come out, then I  
21 did go to filters.

22 Q. Do you specifically recall smoking  
23 unfiltered cigarettes?

24 A. My decision is to tell you -- what would  
25 that bring us back to?

1 Q. 1942.

2 Did they have unfiltered cigarettes  
3 or filtered cigarettes then?

4 A. I don't even remember.

5 Q. If you can't remember, that's fine.

6 A. I'm sorry.

7 MR. SANTORO: Do you want to  
8 take a little break? I don't have too much  
9 more.

10 THE WITNESS: No. I'm okay.

11 MR. SANTORO: I think that's  
12 about it.

13 MR. LASSMAN: I've got just a  
14 couple questions.

15 MR. SANTORO: Go ahead.  
16 Somebody else is going to ask you some  
17 questions.

18 - - -

19 EXAMINATION

20 - - -

21 BY MR. LASSMAN:

22 Q. Mr. Dellaquila, my name is Bruce Lassman  
23 and I represent a couple of the defendants in this  
24 litigation.

25 A. Okay.

1 Q. Did you have any brothers or sisters?

2 A. I had a brother that's living and a sister  
3 that's deceased, yes.

4 Q. And, how is your brother's health?

5 A. Good. As far as I know, he's in good  
6 health.

7 Q. Where has he been employed, do you know?

8 A. He was a milkman most of his life.

9 Q. And, you say you have a sister who is  
10 deceased?

11 A. Yes.

12 Q. What was the cause of her death?

13 A. Heart.

14 Q. Heart problems?

15 A. Yeah.

16 Q. And, can you tell us at what age she passed  
17 away?

18 A. Twenty-six.

19 Q. Was that a congenital problem, something  
20 she was born with?

21 A. Yeah. I would say so because I was young  
22 myself at that time and it seemed to me like all  
23 her life she seemed to have a heart problem.

24 Q. You said your mother died when you were  
25 nine years old.

1 Did she have heart problems?

2 A. No. She died of cancer, stomach cancer.

3 Q. You testified that you worked in new  
4 construction on ships at Sun Ship.

5 A. Yes, sir.

6 Q. You also testified that you could only  
7 remember the name of the U.S.S. HOPE that you  
8 worked on doing overtime work.

9 A. Yes, sir.

10 Q. Can you remember how many ships you worked  
11 on during that one year you were at Sun Ship?

12 A. I'm just taking a guess now. I would tell  
13 you maybe about six or seven ships.

14 Q. Were you on and off one ship to another  
15 ship and then back and forth?

16 A. No. No. When when we -- the only -- when  
17 we started a ship, we completed that ship.

18 Do you understand what I'm saying?

19 Q. I understand what you're saying.

20 A. The only reason we went up to that S.S.  
21 HOPE was because they were -- they were -- they  
22 were behind in schedule and they needed -- they  
23 were cargo ships at that time and they needed help  
24 to get those ships out, so they asked for all the  
25 volunteers they could get. And this is the reason

1 I used to volunteer once in a while to go up there  
2 on that U.S.S. HOPE. That wasn't the original  
3 name. That was named after it came out of -- out  
4 of commission, you know?

5 Q. I understand, sir.

6 Do you partake of alcoholic  
7 beverages?

8 A. No, sir.

9 Q. Did you ever?

10 A. As a -- just socially.

11 Q. Do you have a driver's license?

12 A. Yes, sir.

13 Q. Do you still drive?

14 A. Yes, sir.

15 Q. Can you tell me, Mr. Dellaquila, what the  
16 warning said on the cigarette packages that you  
17 referred to earlier?

18 A. It was a hazard to your health.

19 Q. Do you remember at any time while you were  
20 smoking that the warning changed?

21 A. It probably did. Probably more recently.

22 Q. Do you remember what it changed to?

23 A. Well, I think it included pregnant women,  
24 if I'm not mistaken. I don't know.

25 No. He's laughing so it couldn't



1 have been, I guess, but I know there was a change  
2 in it. But the only thing that I was interested  
3 in when he come out with it himself, it was time  
4 for me to get rid of these things.

5 Q. Do you remember when that took place?

6 A. That I don't know. I don't know. I don't  
7 know.

8 Q. Do you remember if it was in the sixties?

9 A. In the sixties?

10 Well, no, I think it was -- I think  
11 it was -- I think it was somewhere -- it could  
12 have been in sixties, late sixties. In fact, it  
13 was when this -- this gentleman that just left  
14 now, in fact, I think he's the one that wrote it.  
15 He's the one that put it in.

16 Q. The Navy Surgeon General?

17 A. I think Koop is his name.

18 Q. Admiral Koop?

19 A. Yeah.

20 Q. You indicated that when those warnings came  
21 out you thought that that meant that you should  
22 probably start cutting back on your smoking; is  
23 that right?

24 A. Yes, sir. Cutting back so I could --

25 Q. You could stop?

1 A. Eliminate it, yeah. Because it was no good  
2 for you. There was no sense me putting it in my  
3 body.

4 Q. Do you ever remember the warnings referring  
5 to cancer?

6 A. On this labeling?

7 Q. Yes.

8 A. Oh, yes.

9 Q. How long ago do you remember that the  
10 warnings referred to cancer?

11 A. That I can't -- can't remember.

12 Q. Would you say you've known that cigarettes  
13 may cause cancer for more than five years?

14 A. I would say.

15 Q. You still continued to smoke after knowing  
16 about these warnings though; is that correct?

17 A. Yeah. But I --

18 MR. SANTORO: Objection to the  
19 form of the question.

20 THE WITNESS: I cut it down to  
21 four -- four cigarettes a day, four to five  
22 cigarettes a day I cut it down.

23 MR. LASSMAN: Thank you, Mr.  
24 Dellaquila. I have not further questions.

25 MR. KOLODNY: No questions.

1 MS. JACOBS: No questions.

2 MR. MAHER: No questions.

3 - - -

4 EXAMINATION

5 - - -

6 BY MS. KAHN:

7 Q. Mr. Dellaquila, my name is Elissa Kahn. I  
8 just have a couple questions, and I'm sorry, my  
9 first question you might have given the answer  
10 already, but I didn't hear it.

11 How old was your father when he died?

12 A. My father was seventy-eight years old.

13 Q. You mentioned that you had been recently  
14 hospitalized for the last two procedures.

15 A. Yes. Yes.

16 Q. Could you tell me what hospital that was?

17 A. Crozer. Crozer-Chester Medical Center.

18 Q. And, understand whose treatment were you?

19 A. Doctor Finnigan (phonetic).

20 Q. Pardon me?

21 A. Finnigan.

22 Q. Do you remember his first name?

23 A. No, I don't.

24 Q. And, you my last question is you just  
25 mentioned that in May of 1989 you quit smoking

1 entirely.

2 A. Yes.

3 Q. Was there any reason for that?

4 A. Yeah. Because of what our General said,  
5 our Surgeon General, and he said to get rid of it  
6 so this is the reason I got rid of it.

7 Q. Was there any reason that that came in May  
8 of 1989?

9 A. Oh, no. That just -- that's when it  
10 happened, you know. This is when I got the  
11 desire and I don't need it anymore, because I had  
12 it down to four or five cigarettes a day.

13 So if I had it down that low, why  
14 should I take it any more?

15 Q. Did you have a family doctor that was --  
16 what was the name of your family doctor?

17 A. Garfinkle.

18 Q. Had Doctor Garfinkle ever told you that you  
19 should quit smoking?

20 A. Not really, no.

21 Q. When you say "not really," he or did he  
22 not?

23 A. Yes. Yes. I guess -- when he found out  
24 that I did, he said I should, yes.

25 Q. Do you remember when that was?

1 A. Probably when I first started going to him,  
2 about four or five years ago.

3 MS. KAHN: That's all I have.

4 Thank you.

5 MR. RICE: No questions.

6 MS. CORBETT: I have a few  
7 questions.

8 - - -

9 EXAMINATION

10 - - -

11 BY MS. CORBETT:

12 Q. I'm Trish Corbett. I introduced myself to  
13 you earlier and I represent one of the defendants  
14 here today.

15 A. Yes.

16 Q. Mr. Dellaquila, you named three  
17 manufacturers, Johns-Manville, Carey and Ehret,  
18 the names that you were familiar with.

19 Can you tell me, were those names  
20 that you came up with on your own before you  
21 looked through the product books?

22 A. Yes. In other words, what I had to do when  
23 I contact Dave, now I had to start visualizing  
24 myself. I had to go back, you know? And so I had  
25 this is how I -- I picked these names up because

1 you're going back some time. So this is how I  
2 come up with.

3 Q. Do you believe as you sit here today that  
4 there were other manufacturers' products that you  
5 just do not recall?

6 A. I would say yes and -- I would say yes,  
7 because they did a lot of ships down there. But I  
8 think there was a ship a week we used to throw  
9 out. That was a lot of ships.

10 Q. The room that you talked about that you  
11 referred to as the pipecoverers room as their  
12 workroom and you indicated that you went in there  
13 infrequently while they were working but that  
14 there were times that you had to go in and install  
15 lights and alarm systems.

16 Did you do the installation of the  
17 lights and the alarm systems prior to the  
18 pipecoverers using it as a workroom?

19 A. Did I do it before --

20 Q. Before the pipecoverers would come in.

21 A. If they weren't in there, we'd go in there  
22 when they weren't in there, you know?

23 Q. But was that before they ever started  
24 working? In other words, you had the lights  
25 installed and the alarm system --

1 A. If it happened to be -- in other words,  
2 whoever got there first.

3 Do you understand what I'm saying?

4 Q. So there were times they were there before  
5 you were there?

6 A. Right. Right. Because it was all new  
7 construction and whoever got there first, that was  
8 it.

9 Q. And, your testimony is that looking through  
10 the notebooks did not refresh your recollection at  
11 all of any other --

12 A. No.

13 MR. SANTORO: You mean the  
14 picture books?

15 MS. CORBETT: The picture  
16 books.

17 BY MS. CORBETT:

18 Q. And, Mr. Dellaquila, are you familiar with  
19 or did you ever hear the name Kaylo?

20 MR. SANTORO: Objection to the  
21 form.

22 BY MS. CORBETT:

23 Q. It's spelled K-A-Y-L-O.

24 A. No. I never heard of it.

25 MR. SANTORO: Did you answer no

1 to that? You were shaking your head no?

2 THE WITNESS: No. She asked me  
3 and I said: No. I don't recollect it.

4 BY MS. CORBETT:

5 Q. Your answer is you don't recall?

6 A. No.

7 MR. JONES: No questions.

8 MR. SALZER: No questions.

9 - - -

10 (Whereupon the deposition was  
11 concluded at 1:30 p.m.)

12 - - -

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## C E R T I F I C A T E

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

I, Susan L. Remsing, Court  
Reporter, Notary Public within and for the County  
of Philadelphia, Commonwealth of Pennsylvania, do  
hereby certify that the foregoing testimony of  
Anthony Dellaquila, was taken before me at 108  
Blackthorne Street, Aston, Pennsylvania on  
Wednesday, February 14, 1990; that the foregoing  
testimony was taken by me in shorthand and reduced  
to typing under my direction and control, that the  
foregoing pages contain a true and correct  
transcription of all of the testimony of said  
witness.

  
SUSAN L. REMSING  
Notary Public

SUSAN L. REMSING  
Notary Public, Phila., Phila. Co.  
My Commission Expires Aug. 13, 1990

#116270B

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY and EMILY : CIVIL ACTION  
DELLAQUILA, : ASBESTOS CASE  
Plaintiffs :  
vs. :  
ATLAS TURNER, INC., :  
ET AL., :  
Defendant : NO. 89-8879

Videotaped deposition of  
ANTHONY DELLAQUILA, taken pursuant to notice, at  
the home of ANTHONY DELLAQUILA, 108 Blackthorne  
Street, Aston, Pennsylvania, on Wednesday,  
February 14, 1990, beginning at approximately  
12:19 p.m., before Susan L. Remsing, Court  
Reporter-Notary Public, and Richard Kling,  
Videotape Operator, there being present.

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## I N D E X

- - -

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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ANTHONY DELLAQUILA				
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BY MR. HALPERN	8	--	36	--
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BY MR. SANTORO	--	34	--	--
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## E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE MARKED
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(No exhibits marked.)

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- - -

MR. SANTORO: It's a videotaped deposition and all objections should be made today.

MR. JONES: Chris, are you doing any discovery?

MR. SANTORO: We're going to do it after the direct.

And I think we can agree that one objection on behalf of the defendants inures to the benefit of everybody.

MR. HALPERN: Fine.

MR. LASSMAN: I'd like to point out that in prior depositions where we've agreed with the Brookman office to allow the video to precede the discovery they've provided us blanket objection for any and all questions which could be raised at a later time without necessity of raising an objection on an individual question at this time since the discovery has not been done. That certainly would eliminate any problem of jumping in and breaking up the video and so on just having a blanket objection to every question and proceed.

1 MR. SANTORO: That's fine.

2 MR. LASSMAN: That's what we've  
3 worked out before, and if everything goes  
4 fine, then there isn't any problems. If  
5 there's anything I feel is objectionable,  
6 because we don't have all the knowledge at  
7 this time. But that generally protects the  
8 defendants and it also helps the video go  
9 smoother.

10 MR. SANTORO: So my  
11 understanding is -- I was never privy to an  
12 agreement like that.

13 We have a continuing objection to  
14 every question on the direct?

15 MR. HALPERN: Well, I'd prefer  
16 if you want to object to object at that  
17 time. I think that by virtue of this being  
18 a deposition that the judge, at the time of  
19 trial, would rule on the objections at that  
20 time.

21 MR. LASSMAN: That's true. But  
22 the point was made that because we've not  
23 yet had the discovery deposition and we  
24 felt that we would save a lot of time, we  
25 would provide a nice, smooth video, we

1 would just have a continuing objection --

2 MR. HALPERN: How about just to  
3 the form? If you want to object to the  
4 form of the question and not in the  
5 question itself but just the form.

6 MR. LASSMAN: Raise that at  
7 this time?

8 MR. HALPERN: Yes.

9 MR. LASSMAN: I don't have any  
10 problem with that.

11 MR. SANTORO: Any other  
12 objection we can save?

13 MR. HALPERN: That's fine.

14 - - -

15 THE VIDEOTAPE OPERATOR: We're  
16 on the record. This is a videotaped  
17 deposition for the United States District  
18 Court for the Eastern District of  
19 Pennsylvania.

20 My name is Rick Kling. I'm the  
21 videotape operator. I'm employed by  
22 Knipes-Cohen Associates, Registered  
23 Professional Reporters, 400 Market Street,  
24 Philadelphia, Pennsylvania, 19106. The  
25 court reporter is Susan Remsing.



1           The caption for today's case is as  
2 follows: Anthony and Emily Dellaquila  
3 versus Atlas Turner, Incorporated, et al.  
4 Number 89-8879. This deposition is being  
5 taken on behalf of the plaintiff at the  
6 home of Anthony Dellaquila, 108 Blackthorne  
7 Street, Aston, Pennsylvania.

8           Appearances today are: David  
9 Halpern, Esquire, attorney for the  
10 plaintiff. All counsel for the defense  
11 will be reflected upon the stenographic  
12 record.

13           The deponent for today is Anthony  
14 Dellaquila. Today's date is Wednesday,  
15 February 14th, 1990. The time is 12:19.

16           The reporter will now swear in the  
17 witness.

18           - - -

19           ANTHONY DELLAQUILA, after  
20 having been first duly sworn, was examined  
21 and testified as follows:

22           - - -

23           DIRECT EXAMINATION

24           - - -

25 BY MR. HALPERN:

1 Q. Could you state your name for the record,  
2 sir?

3 A. Anthony Dellaquila.

4 Q. And, how old are you?

5 A. Sixty-three years old.

6 Q. When -- when were you born?

7 A. May the -- May the 10th, '26.

8 Q. Where were you born?

9 A. Chester.

10 Q. Now, are you married?

11 A. Yes.

12 Q. What is your wife's name?

13 A. Emily.

14 Q. How long have you been married, Mr.  
15 Dellaquila?

16 A. Forty-four years.

17 Q. Do you have any children?

18 A. Yes. I have two children.

19 Q. What are their names and ages?

20 A. I have Laura, which she's thirty-one years  
21 old and Theresa, which she's thirty-nine years  
22 old.

23 Q. And, do you have any grandchildren?

24 A. Yes. I have four of them. I have two boys  
25 and two girls.

1 Q. What occupations are your children engaged  
2 in?

3 A. Well, Theresa is a housewife and Laura is a  
4 housewife and a part-time nurse.

5 Q. Now, sir, did you grow up in the  
6 Philadelphia area?

7 A. Yes.

8 Q. Where did you grow up?

9 A. In Chester. Chester.

10 Q. How far did you go in school?

11 A. Tenth grade.

12 Q. What schools did you attend?

13 A. Graham School.

14 Q. And, were you in the military?

15 A. Yes.

16 Q. What branch?

17 A. In the Army.

18 Q. What rank did you obtain?

19 A. PFC.

20 Q. What was your specialty?

21 A. Infantry.

22 Q. Where were you stationed?

23 A. Germany.

24 Q. Were you honorably discharge?

25 A. Yes.

1 Q. Okay.

2 I want you to give the jury an idea  
3 of your work history.

4 A. Well, when I was sixteen years old I quit  
5 school and went to work for Flounder's Dairy.

6 Q. What did you do there?

7 A. There I loaded the trucks up for delivery.  
8 After I put one year in at Flounder's, I went to  
9 work for Sun Ship in Chester.

10 Q. And, how long did you work there?

11 A. There I also worked for one year and then I  
12 was drafted into the Army.

13 Q. And, how long were you in the Army?

14 A. For two years. I come out of the Army and  
15 went to work back with Miller and Flounder's  
16 Dairy. And a short time after that, Miller and  
17 Flounder's was obtained by Abbott's Dairies and I  
18 stayed there until Abbott's went bankrupt in 1985.

19 Q. And, did you work anywhere after that?

20 A. I went to work for Horizon Dairy over in  
21 New Jersey.

22 Q. Okay.

23 When did you begin work at Sun, at  
24 Sun Ship?

25 A. The year of '43.

1 Q. Okay.

2 Where is Sun Ship located?

3 A. In -- they're in Morton. In Chester,  
4 Pennsylvania.

5 Q. When you began there, what was your job at  
6 Sun Ship?

7 A. An electrician's helper.

8 Q. Okay.

9 Now, did you work around asbestos at  
10 Sun Ship?

11 A. Yes.

12 Q. Now, at any of these other jobs that you've  
13 gone through, did you ever work with asbestos --

14 A. No.

15 Q. -- at any of the other jobs?

16 A. No.

17 Q. So the only job that you worked with  
18 asbestos was where?

19 A. Sun Ship.

20 Q. Okay.

21 What does an electrician's helper do?

22 A. Well, I get the material from my -- for my  
23 electrician and help him install whatever has to  
24 be installed.

25 Q. When you -- where -- where would you be

1 doing this work at?

2 A. Oh, I was in the passageway, the hallways.  
3 Our job was to put the passage lights and the  
4 alarm system in the hallways.

5 Q. Okay.

6 Where you working around other  
7 trades --

8 A. Yes.

9 Q. -- as an electrician's helper?

10 A. Yes.

11 Q. What other trades?

12 A. Pipe fitters, carpenters, pipe fitters,  
13 pipecoverers.

14 Q. What was their job, the pipe fitters and  
15 the pipecoverers and --

16 A. Well, the pipe fitters were the -- put the  
17 pipes together and the pipecoverers would cover  
18 the pipe with asbestos.

19 Q. How close were you working with these other  
20 trades?

21 A. Side-by-side.

22 Q. Now, where did you do your work as an  
23 electrician's helper?

24 A. Most of the work was done in the hallways,  
25 passageway.

1 Q. Well, specifically, where were the  
2 passageways at, on what?

3 A. Well, it was in the aft where the living  
4 quarters were. This is back where the engine room  
5 was, the kitchen.

6 Q. Just to be -- were you on ships?

7 A. Well, yes. I'm sorry. On the ship. This  
8 was all -- all my work was done on the ships.

9 Q. Could you describe the products that you  
10 worked around?

11 A. Other than the products that --

12 Q. Well, that -- I'm sorry. That the  
13 pipecoverers were working with and that the pipe  
14 fitters were working with.

15 A. Well, the pipe fitters, they had their  
16 pipes that they put together and then the  
17 pipecoverers, they'd come in and covered it up  
18 with a length of pipecovering and elbows and the  
19 cement and -- and -- and the covering.

20 Q. Now, was this all new construction?

21 A. Yes. All new construction.

22 Q. Did you ever personally handle the  
23 products?

24 A. No. Not the -- not the asbestos, no.  
25 Never.

1 Q. Okay.

2 I want you to go through each product  
3 and tell the jury the particular -- the particular  
4 asbestos products that you worked around.

5 A. Well, from what I could see was the --  
6 there was covers that were maybe two foot in  
7 length and they would put it around this pipe and  
8 then they would wire it together and then they  
9 would put a covering around it and then they would  
10 cement the elbows in place.

11 Q. Okay.

12 Did these asbestos products create  
13 dust?

14 A. Very much so.

15 Q. Okay.

16 I'm going to go through each product  
17 that you've named and I'm going to ask you how  
18 they created dust. You named pipecovering.

19 How would that create dust?

20 A. Well, when they cut it to size, then this  
21 would create the dust.

22 Q. And, how about the cements, how would that  
23 create dust?

24 A. Well, when they were pouring it into a  
25 bucket to be mixed, they would -- it would come up



1 as a -- as a dust.

2 Q. Now, were you exposed to the dust?

3 A. Yes. Yes.

4 Q. How often were you exposed to the dust?

5 A. Everyday. Everyday I worked on the ship.

6 Q. And, over your year at Sun Ship, how

7 many -- how often did you work on these ships?

8 A. Everyday. Everyday I worked on the ships.

9 Q. Now, did you breathe the dust into your  
10 lungs?

11 A. Yes.

12 Q. Could you describe the ships that you  
13 worked on?

14 A. They were -- they were all oil tankers.  
15 That's about the only way I can describe them is  
16 they're all oil tankers. They were built to hold  
17 oil, and that was it.

18 Q. Do you know any of the names of those  
19 ships?

20 A. No. The only one that I know is -- is --  
21 was the S.S. HOPE, which was a cargo ship. And  
22 the only reason I worked on that cargo ship was  
23 because I worked overtime on it several times and  
24 they told me that that was the name. It was named  
25 the S.S. HOPE after it come out of service, and

1 they told me that we worked on that ship. That's  
2 the reason that I know that it was the S.S. HOPE.

3 Q. Now, on these ships, was there any  
4 ventilation?

5 A. Only what was created by -- by the air  
6 itself, you know. There was none put in there  
7 to -- to ventilate it.

8 Q. Okay.

9 At the end of a workday, could you  
10 see dust on your clothing?

11 A. Definitely.

12 Q. Could you describe the condition of the  
13 area that you were working in? What did the air  
14 look like?

15 A. When -- when these pipecoverers were  
16 working, it looked like a snowstorm, believe you  
17 me. You didn't -- you didn't stay around there  
18 long when they started, I'll tell you. You just  
19 get out of the way. But unfortunate, somewheres  
20 along the line something happened, I guess.

21 Q. Now, where would the pipecoverers be and --  
22 in relation to where you were?

23 A. Well, from what I recall is there was a  
24 room that there was a lot of pipes that they had  
25 to cover. And they were in this room, I had work

1 to down in this room, also. I didn't do it when  
2 they were there but I was out in the hall. And  
3 when they were in doing their job, I was doing my  
4 job out in the hall. The only reason why this  
5 couldn't have come out into the hallway.

6 Q. Did you ever have an occasion to walk in  
7 the room when they were in there working in there?

8 A. Yes, I did. Yes.

9 Q. And, how often would that --

10 A. It wasn't often because I moved -- I went  
11 in and out. I never stayed in it. I never stayed  
12 there.

13 Q. When you walked in the room, could you  
14 breathe the -- were you breathing the dust?

15 A. Well, yes, you would breathe the dust.  
16 There's no question about that.

17 Q. What was that dust?

18 A. That was asbestos.

19 Q. Were you ever told that asbestos could be  
20 harmful to your health while working at Sun Ship?

21 A. No. I was not.

22 Q. Did you ever wear a face mask or respirator  
23 or were you ever given the opportunity to wear a  
24 face mask?

25 A. No. I was not.

1 Q. Did you ever see warnings on any of the  
2 products or packages that you worked with?

3 A. No. I did not.

4 Q. If there were warnings, what would you have  
5 done?

6 A. If there was a warning --

7 MR. LASSMAN: Objection.

8 BY MR. HALPERN:

9 Q. Go ahead.

10 A. If there was a warning, I would have quit.

11 Q. Now, you mention these boxes.

12 Where were the boxes?

13 A. Well, these were the boxes that were  
14 discharged by the help that were putting these  
15 here asbestos pieces up. They would throw them  
16 outside.

17 Q. And, what -- what was in the boxes?

18 A. Asbestos pipecovers.

19 Q. Do you remember the names of the  
20 manufacturers of the any of the asbestos products  
21 that you were exposed to?

22 A. I could -- I could remember about three of  
23 them.

24 Q. Okay.

25 What were they?

1 A. Of course, one was Johns-Manville and Carey  
2 and Eric (sic).

3 Q. Okay.

4 And what kinds of products were they?

5 A. They were asbestos products.

6 Q. What -- specifically what type?

7 A. Well, there -- there were elbows, there was  
8 cement and they were the length of asbestos and  
9 pipecovering.

10 Q. Pipecovering. Okay.

11 First I want to ask you about the --  
12 you mentioned the name, Johns-Manville.

13 What was in those boxes, the  
14 Johns-Manville?

15 A. They had asbestos pipe coverings in them.

16 Q. Okay.

17 What was that used for, the  
18 Johns-Manville pipecovering?

19 A. They were to cover the pipes.

20 Q. Now, did this create dust?

21 A. Yes. Yes.

22 Q. And, did you breathe the dust in from the  
23 Johns-Manville pipecovering?

24 A. Yes.

25 Q. How often were you exposed to the dust from

1 that pipecoverings?

2 A. Everyday.

3 Q. And, were there any health warnings on the  
4 Johns-Manville box at all?

5 A. None whatsoever.

6 Q. Okay.

7 You also mentioned the name, Carey.

8 What do you associate that name with?

9 A. With asbestos.

10 Q. Asbestos what?

11 A. Well, with pipecoverings.

12 Q. Okay.

13 And, what was that Carey pipecovering  
14 used for?

15 A. To cover the pipes.

16 Q. And, first off, how do you know the names  
17 of these products?

18 A. Because I seen them, the workers taking the  
19 product out of these boxes and discard them.

20 Q. And, that would be also for the  
21 Johns-Manville pipecovering?

22 A. Yes.

23 Q. Was dust created by the Carey pipecovering?

24 A. Yes.

25 Q. Did you breath in the dust from the Carey

1 pipecovering?

2 A. Yes.

3 Q. How often were you exposed to dust from the  
4 Carey pipecovering?

5 A. Everyday.

6 Q. And, were there any health warnings on the  
7 Carey pipecovering?

8 A. None whatsoever.

9 Q. And, you also mentioned the name, Ehret.

10 And what do you associate that name,  
11 Ehret, with?

12 A. That's pipecoverings, also.

13 Q. And, what was that pipecovering used for?

14 A. To cover the pipes.

15 Q. And, was dust created from the Ehret  
16 pipecovering?

17 A. Yes.

18 Q. And, did you breathe the dust in from the  
19 Ehret pipecovering?

20 A. Yes.

21 Q. And, how often were you exposed to dust  
22 from the Ehret pipecovering?

23 ,A. Everyday.

24 Q. Were there any health warnings on any of  
25 the boxes that you saw with the name, Ehret, on

1 it?

2 A. None whatsoever.

3 Q. Okay.

4 Did there come a time when you found  
5 that you had -- you had something wrong with you  
6 from your asbestos exposure?

7 A. Yes.

8 Q. When was that?

9 A. October -- October the 11th, 1989.

10 Q. And, how did you find out this information?

11 A. Well, I went to my family doctor because I  
12 was having problems and -- and he inverted me to  
13 Doctor Rudnitzky which give me a --

14 Q. So you went to Doctor Rudnitzky, and what  
15 did Doctor Rudnitzky tell you?

16 A. And he took -- he took some samples from my  
17 back, fluid. He took a quart and a half of fluid  
18 from my back.

19 Q. Well, in October, '89, you mentioned the  
20 date October 11th, 1989.

21 A. Yes.

22 Q. What did you learn on that date? Did you  
23 learn that you had something wrong with you?

24 A. Yes.

25 Q. What was it that you found out?



1 A. Well, that was -- that was the day that he  
2 took -- took this fluid from my back.

3 Q. Okay.

4 Did you find out that -- that you had  
5 a disease?

6 A. Not until the 31st of October.

7 Q. Okay.

8 What did you find out on that date?

9 A. And that was the day he told me -- well, he  
10 told me a few days before that he had to go back  
11 into my back again. He said only this time it's  
12 going to be a little worse than it was in the  
13 beginning. He said we're going to put -- insert a  
14 larger needle into your back so we could take a  
15 biopsy of it. And then when they did, went to  
16 take the biopsy in -- then he told me in his  
17 office. He called me into his office and told me  
18 I have mes -- well, I can't pronounce it. It's  
19 cancer of the lung. Meni -- meniosis (sic).

20 Did I pronounce it right?

21 Q. Mesothelioma?

22 A. That's it. That's it.

23 Q. And, what did he tell you about that?

24 A. And he told me -- well, he recommended me  
25 to a cancer doctor is what he recommended me to,

1 which was Doctor Vivacqua.

2 Q. And, what did he tell you?

3 A. Then I went to see Doctor Vivacqua and he  
4 told me what -- that I had this cancer which was  
5 uncurable (sic). And he told me the best I had  
6 was two or three years to live.

7 Q. And, how did that make you feel?

8 I'm sorry. Do you want a break for a  
9 second?

10 MR. SANTORO: Go off the  
11 record.

12 THE VIDEOTAPE OPERATOR: Off  
13 the video record. The time is 12:38.

14 - - -

15 (Whereupon a short break was  
16 taken at this time.)

17 - - -

18 THE VIDEOTAPE OPERATOR: Back  
19 on the video record. The time is 12:40.

20 - - -

21 (On the video and stenographic  
22 records at 12:40 p.m.)

23 - - -

24 BY MR. HALPERN:

25 Q. Mr. Dellaquila, you talked about a biopsy

1 earlier.

2 Could you explain that procedure?

3 A. Well, what they do is they -- they insert  
4 it by novocaine shot in my back and they -- after  
5 they did it, they inserted a needle. And the  
6 first time they took a quart and a half of liquid  
7 out.

8 Q. Is that procedure painful?

9 A. Yes, very, very painful. And the worse one  
10 was the second one they give me when they give  
11 me --

12 Q. Well --

13 A. Okay.

14 Q. In the first procedure, could you explain  
15 the draining of the fluids?

16 A. Well, they -- they drained -- as I say,  
17 they drained a quart and a pint out, the first  
18 procedure.

19 Q. Now, were you awake during that procedure?

20 A. Yes. I was awake during that procedure. I  
21 didn't want to be, but I was, unfortunate.

22 The second time.

23 Q. Did there come a time when you had another  
24 procedure?

25 A. Yes, which was the one where they took the

1 biopsy with the larger needle. This time they  
2 only took a quart of fluid and it was the same  
3 procedure. They give me five novocaine shots in  
4 the back and stuck a larger needle into my back  
5 and drained -- drained -- well, they took a piece  
6 of biopsy and this is where they found out what I  
7 had, and they took a quart of fluid.

8 Q. And, was that procedure painful?

9 A. Yes.

10 Then we had a third procedure. This  
11 was the painfulest of them all. This is the one  
12 they had to go into my chest because I had so much  
13 fluid into my -- into my lung.

14 Q. When was this?

15 A. This was just done recently, in fact,  
16 about -- about two weeks ago, ten days ago, two  
17 weeks at the most. This was just done because the  
18 fluid was being built up so fast into my chest.

19 Q. And, what did they do during that  
20 procedure?

21 A. That -- that procedure was they put a  
22 quarter inch tube, they injected it in between two  
23 of my -- my ribs here. They popped that thing in  
24 there and that sat that way for six days. They  
25 took out three gallons of water or three gallons

1 of fluid was taken out of that at that time. And  
2 it stayed that way for five or six days and then  
3 they took the tube back out. Very painful  
4 procedure taking it out, also.

5 Q. How so?

6 A. Well, they had to pull this quarter inch  
7 tube out, and apparently it had to be a one-shot  
8 deal or I would have had to feel it twice I guess  
9 because the doctor I heard say to the other  
10 doctor: Make sure that you get it the first time,  
11 which he did. He did it the first time. And --

12 Q. What was the pain part?

13 A. It was very severe, very severe. I don't  
14 hope I don't never have to go through that again.  
15 I hope I never have to go through that again.

16 Q. Now, Mr. Dellaquila, did there come a time  
17 when you started chemotherapy?

18 A. Yes. I started my chemotherapy, it was  
19 once every three weeks. And out of the three  
20 weeks, I was definitely sick for two of them.  
21 Sick -- when I say sick, I was sick in the stomach  
22 constantly. I kept taking medication to relieve  
23 the sickness. Food tastes -- no food taste  
24 whatsoever, nothing. Water don't even taste like  
25 water. Nothing tastes like nothing.

1 Q. And, where do you receive the chemotherapy  
2 treatments?

3 A. From Doctor Vivacqua.

4 Q. And, is that in the hospital?

5 A. No, his office.

6 Q. Are you in pain during the chemotherapy  
7 treatments?

8 A. No. Not really, no.

9 Q. And, how about your daily life now?

10 A. Well, it's just a nothing really. All I do  
11 is just sit and lay all day long.

12 Q. Do you have -- did you have an occasion to  
13 talk to Doctor Vivacqua or Doctor Rudnitzky  
14 regarding your chemotherapy treatments?

15 A. Well, I talked to Doctor Vivacqua because  
16 he's the one that -- he's the one that suggested  
17 that we should take it. And he told me -- that's  
18 when he told -- well, he told me before that the  
19 best I had was two or three years. If I had any  
20 luck with chemotherapy, they could put it on hold.  
21 And that was the best we could hope for. So --

22 Q. Now, did the doctor tell you what causes  
23 this disease that you've described that you have?

24 A. Yes. Mesothelioma.

25 Q. And, what causes it?

1 A. Which is caused by asbestos. He says this  
2 is the only way you can get it.

3 Q. I know this is hard for you, but can you  
4 give the jury an idea of what went through your  
5 mind when the doctor was giving you this  
6 information regarding your prognosis?

7 A. It wasn't a happy one. When you know you  
8 only have a few years to live and you have  
9 grandchildren that are under nine years old, I  
10 wasn't too happy with it.

11 Q. And -- now, before you were sick, did you  
12 used to do work around the house?

13 A. Always. I did all of my own work, did all  
14 of my own carpenter work. Now I can't do  
15 anything, do nothing.

16 Q. Do you have any problems sleeping now?

17 A. In the first half of the night I sleep well  
18 until three o'clock and then I get up at three  
19 o'clock and that's the end of it. Things just  
20 keep going through my own mind. After three  
21 o'clock, I get no more sleep.

22 Q. Before your diagnosis, what was your social  
23 life like?

24 A. Beautiful. My wife and I went out all the  
25 time, Atlantic City, whatever, you know. And now

1 it's nothing but sit in a chair and -- I don't  
2 even look at television. It's not even  
3 interesting to look at television.

4 Q. Can you tell the jury what it is like  
5 living not knowing how much time you have left?

6 A. Oh, boy.

7 MR. SANTORO: Objection.

8 Go off the record.

9 MR. HALPERN: Off the record.

10 THE VIDEOTAPE OPERATOR: Off  
11 the video record. The time is 12:48.

12 - - -

13 (Off the video record only at  
14 12:48 p.m.)

15 - - -

16 MR. SANTORO: I think he's  
17 answered it twice.

18 MR. HALPERN: You can answer.

19 THE VIDEOTAPE OPERATOR: Back  
20 on the video record. The time is 12:48.

21 - - -

22 (On the video and stenographic  
23 records at 12:48 p.m.)

24 - - -

25 BY MR. HALPERN:



1 Q. You can answer. You can answer the  
2 question.

3 A. You want me to answer that question, again?

4 Q. Well --

5 A. What was the question, again?

6 Q. What it's like not knowing how much time  
7 you have left.

8 A. Okay. Well, it's -- it's a horrible  
9 feeling to know that you're not going to be here  
10 tomorrow, you know. I wished I didn't have this  
11 feeling. I wished I didn't even have to have it.

12 Q. Has your disease and your condition  
13 affected your relationship with your wife or  
14 affected your wife?

15 A. Oh, sure. It's affected her because she  
16 can't do things that she normally used to do  
17 because she'd be taking care of me now or she'd be  
18 doing what she had to do, you know.

19 So it affected her.

20 MR. HALPERN: Off the record.

21 THE VIDEOTAPE OPERATOR: Off  
22 the video record. The time is 12:49.

23 - - -

24 (Whereupon a discussion was  
25 held off the video and stenographic records

1 at 12:49 p.m.)

2

3 THE VIDEOTAPE OPERATOR: Back  
4 on the video record. The time is 12:50.

5

- - -

6

(On the video and stenographic  
7 records at 12:50 p.m.)

8

- - -

9 BY MR. HALPERN:

10 Q. The products that you -- the three  
11 pipecovering products that you described earlier,  
12 how do you know that they contained asbestos?

13 A. How did I know they contained asbestos?  
14 The package said so.

15 MR. HALPERN: Okay. No further  
16 questions.

17 THE VIDEOTAPE OPERATOR: Off  
18 the video record. The time is 12:51.

19

- - -

20 (Off the video and stenographic  
21 records at 12:51 p.m.)

22

- - -

23

24

25

1 THE VIDEOTAPE OPERATOR: Back  
2 on the video record. The time is 1:35.

3 - - -

4 (On the video and stenographic  
5 records at 1:35 p.m.)

6 - - -

7 CROSS EXAMINATION

8 - - -

9 BY MR. SANTORO:

10 Q. Good-afternoon, Mr. Dellaquila. My name is  
11 Chris Santoro. I just have a few quick questions  
12 for you.

13 It's true that you began smoking  
14 cigarettes at the age of sixteen; is that right?

15 A. Yes, sir.

16 Q. Okay.

17 And, you continued smoking up until  
18 May of 1989?

19 A. Yes.

20 Q. And, I believe you smoked between about a  
21 half a pack and a pack of cigarettes a day on the  
22 average for that entire forty-seven year period?

23 A. I would say.

24 Q. There came a time when you began noticing  
25 warnings on the cigarette packs; is that right?

1 A. Yes, sir.

2 Q. Okay.

3 And, you were aware that smoking  
4 cigarettes could cause lung cancer; correct?

5 A. Yes, sir.

6 Q. And, you continued to smoke; correct?

7 A. Yes, sir.

8 Q. Now, I believe your father also smoked  
9 cigarettes while you were living with him; is that  
10 right?

11 A. Yes, sir.

12 Q. And he smoked about a pack a day while you  
13 were living with him?

14 A. I would say.

15 MR. SANTORO: Okay. Thank you.

16 That's all the questions we have.

17 THE WITNESS: Okay, sir.

18 MR. SANTORO: Off the record.

19 THE VIDEOTAPE OPERATOR: Off  
20 the video record. The time is 1:36.

21 - - -

22 (Whereupon a discussion was  
23 held off the video and stenographic  
24 records.)

25 - - -

1 THE VIDEOTAPE OPERATOR: Back  
2 on the video record. The time is 1:36.

3 - - -

4 (On the video and stenographic  
5 records at 1:36 p.m.)

6 - - -

7 REDIRECT EXAMINATION

8 - - -

9 BY MR. HALPERN:

10 Q. Mr. Dellaquila, about five years ago, did  
11 you cut your cigarette smoking down?

12 A. I sure did, from four or five cigarettes a  
13 day.

14 MR. HALPERN: I have no further  
15 questions.

16 MR. SANTORO: Thank you.  
17 Off the record.

18 THE VIDEOTAPE OPERATOR: Off  
19 the video record. The time is 1:36.

20 - - -

21 (Whereupon a discussion was  
22 held off the video and stenographic  
23 records.)

24 - - -

25 THE VIDEOTAPE OPERATOR: This

1 concludes this afternoon's videotaped  
2 deposition. The time is 1:37.

3 - - -

4 (Whereupon the videotaped  
5 deposition was concluded at 1:37 p.m.)

6 - - -

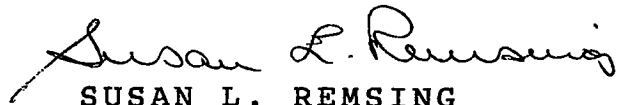
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## C E R T I F I C A T E

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

I, Susan L. Remsing, Court  
Reporter, Notary Public within and for the County  
of Philadelphia, Commonwealth of Pennsylvania, do  
hereby certify that the foregoing testimony of  
Anthony Dellaquila, was taken before me at 108  
Blackthorne Street, Aston, Pennsylvania on  
Wednesday, February 14, 1990; that the foregoing  
testimony was taken by me in shorthand and reduced  
to typing under my direction and control, that the  
foregoing pages contain a true and correct  
transcription of all of the testimony of said  
witness.

  
SUSAN L. REMSING  
Notary Public

SUSAN L. REMSING  
Notary Public, Phila., Phila. Co.  
My Commission Expires Aug. 13, 1990

#116271

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

ANTHONY & EMILY DELLAQUILA: CIVIL ACTION

Plaintiffs :

:

vs. :

:

ATLAS TURNER, INC., et al :

Defendants : NO. 89-8879

- - -

Videotape deposition of ANTHONY  
DELLAQUILA, taken pursuant to notice, at the home of  
Anthony Dellaquila, 108 Blackthorn Lane, Aston,  
Pennsylvania on Monday, March 11, 1991, beginning  
at approximately 11:49 a.m., before Kathleen M.  
Curran, Registered Professional Reporter-Notary  
Public and Michael Moeller, Videotape Operator-Notary  
Public, there being present.

- - -

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## I N D E X

- - -

WITNESS

EXAMINATION

ANTHONY DELLAQUILA

BY MR. HALPERN

5

## E X H I B I T S

- - -

NUMBER

DESCRIPTION

PAGE MARKED

(NO EXHIBITS MARKED)

1 MR. CEISLER: We're going to enter  
2 into a stipulation with plaintiff's counsel that the  
3 purpose of this videotape deposition is to show  
4 progression of the plaintiff's condition and for no  
5 other purpose than that.

6 MR. HALPERN: Right, to show his  
7 condition as it is today one year after or a little  
8 bit more than one year after his videotape deposition  
9 of February 14, 1990.

10 MR. CIESLER: And also defendants  
11 object to the videotape and the basis is prejudicial  
12 and inflammatory.

13 - - -

14 THE VIDEOTAPE OPERATOR: This is a  
15 videotape deposition for The United States District  
16 Court for the Eastern District of Pennsylvania. My  
17 name is Michael Moeler, I'm the videotape operator.  
18 I'm employed by Knipes Cohen Associates, Registered  
19 Professional Reporters, 400 Market Street,  
20 Philadelphia, Pennsylvania, 19106. The court  
21 reporter is Kate Curran.

22 The caption for today's case is as  
23 follows: Anthony and Emily Dellaquila versus Atlas  
24 Turner, Incorporated, et al. Civil Action Number  
25 89-8879.

This deposition is being taken on behalf of the plaintiff at the home of Anthony Dellaquila, 108 Blackthorn Lane, Aston, Pennsylvania.

Appearances today are David Halpern, Esquire, Attorney for the Plaintiff, and Larry Cesiler, Esquire, Attorney for Defendant.

The deponent for today is Anthony Dellaquila. Today's date is March 11, 1991 and the time is 11:49.

The reporter will now swear in the witness.

— — —

ANTHONY DELLAQUILA, after having been first duly sworn, was examined and testified as follows:

— — — — —

DIRECT EXAMINATION

- 2 -

BY MR. HALPERN:

Q. My name is David Halpern, I'm here today on behalf of Anthony Dellaquila. We're here in Aston, Pennsylvania at 108 Blackthorn Road.

Mr. Dellaquila, we were last here  
February 14th., 1990 to take your videotape

ANTHONY DELLAQUILA

1 deposition. It's been a little more than a year  
2 since that time, and I'd like you to tell the jury  
3 what the last year has been like?

4 A. Well, sheer hell. I'm in sheer hell. I'm  
5 in so much pain it's unbelievable, unbelievable. If  
6 it wasn't for Doctor -- Doctor Wright to give me  
7 these nerve blocks to kill some of the pain.

8 Q. Well, could you explain what it's been like  
9 sleeping during the last year?

10 A. I don't sleep. I don't sleep at all. I  
11 will go days without sleeping. I go days without  
12 sleeping.

13 Q. Have you lost any weight?

14 A. Yes. A hundred and -- about twenty-eight  
15 pounds.

16 Q. Have you recently had a procedure done in  
17 the hospital?

18 A. Yes. Unfortunately --

19 Q. What did you have done?

20 A. I can't pronounce it. It's this.

21 Q. I see you're wearing something. What is  
22 that exactly?

23 A. Can I call my daughter a minute?

24 Q. No, no. Just -- could you just point out to  
25 the jury what exactly that is?

ANTHONY DELLAQUILA

1 A. This is --

2 MR. CEISLER: Objection to the camera  
3 movement.

4 THE WITNESS: It is a piece of  
5 machinery that sends medicine through  
6 my body constantly.

7 BY MR. HALPERN:

8 Q. What is that for?

9 A. To kill the pain.

10 Q. Now, we're in one of the back rooms in your  
11 home. What is -- what does your day consist of now,  
12 what do your days consist of?

13 A. Just sitting here as you see it on camera.  
14 That's all I do and nothing else; but, sit.

15 Q. How about eating food or anything along  
16 those lines?

17 A. Well, I force that. I force that.

18 Q. Are you able to do any work around the house  
19 or anything like that?

20 A. No.

21 Q. Are you able to drive?

22 A. No. No work at all.

23 MR. HALPERN: Okay. Mr. Dellaquila,  
24 I have no further questions.

25 THE WITNESS: Okay.

ANTHONY DELLAQUILA

1 MR. CEISLER: No questions.

2 THE VIDEOTAPE OPERATOR: Going off  
3 the video record. This concludes today's  
4 videotape deposition, the time is 11:52.

5 - - -

6 (Witness is excused.)

7 (Whereupon the deposition was  
8 concluded.)

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## C E R T I F I C A T E

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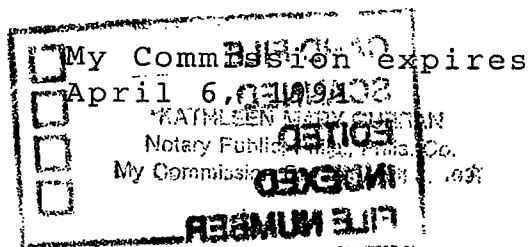
COMMONWEALTH OF PENNSYLVANIA:

: SS

COUNTY OF PHILADELPHIA

I, Kathleen M. Curran, Registered Professional Reporter-Notary Public within and for Philadelphia County, Commonwealth of Pennsylvania, do hereby certify that the foregoing videotaped testimony of Anthony Dellaquila was taken before me at 108 Blackthorn Lane, Aston, Pennsylvania on Monday, March 11, 1991; that the foregoing testimony was taken by me in shorthand by myself and reduced to typing under my direction and control, that the foregoing pages 1 to 8 contain a true and correct transcription of all of the testimony of said witness.

*Kathleen M. Curran*  
 KATHLEEN M. CURRAN  
 Notary Public





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